



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

June 13, 2023

Re: FOIA Request NLRB-2023-001488

Dear Jennifer R. Simon (O'Donaghue and O'Donogue LLP):

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on May 25, 2023, in which you seek all records in *Thyssen Krupp Elevator Corporation*, Case No. 02-UC-000618, as well as a list of all representation case files (RC, AC, UC, RD, RM) in Region 2 and 29 from the years 1997 through 2000 that involved either the International Brotherhood of Electrical Workers Local 3 or the International Union of Elevator Constructors Local 1. You requested that the list include all parties in each case. You assumed financial responsibility for the processing of your request in the amount of \$100.00.

We acknowledged your request on May 25, 2023. We conducted several searches, described below, which resulted in one responsive record and one spreadsheet. No information was withheld from these records. Therefore, your request is granted in full.

Regarding Case No. 02-UC-000618, a search was conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. The search in our NxGen system was only able to locate one record for Case No. 02-UC-000618 (one page), which is from 2009 and predates the NxGen system. A further search using the Agency's custom document search tool (Integrated Search, or "iSearch") was conducted to locate case files. The search in iSearch did not locate any additional records.

Regarding your request for a list of all representation case files, searches of our databases were conducted using the criteria you provided, which resulted in the attached spreadsheet. This spreadsheet contains responsive data including case number, employer, union, date filed, and date closed. We confirmed that there are no documents in our NxGen database system for the petitions listed on this spreadsheet. Records that may have existed would have been destroyed pursuant to the Agency's record retention and disposition policy. Under this policy, case file records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance.

For the purpose of assessing fees, we have placed you in Category A, commercial use requester. This category refers to requests “from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made, which can include furthering those interests through litigation.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(v). Consistent with this fee category, you “will be assessed charges to recover the full direct costs of searching for, reviewing for release, and duplicating the records sought.” 29 C.F.R. § 102.117(d)(2)(ii)(A). Charges are \$9.25 per quarter-hour of professional time. 29 C.F.R. § 102.117(d)(2)(i).

One and one-half hours of professional time was expended in searching for and reviewing for release the requested material. Accordingly, please remit \$55.50.

Payment Instructions: We are no longer accepting checks or money orders as payment. To submit payment for your FOIA request, please use www.pay.gov. From the www.pay.gov home page, scroll down to the bottom left corner to select “Pay a FOIA Request.” Click “See all options” and go to “Filter By Agency” to check the box for the National Labor Relations Board. Continue following instructions on the website. Please remember to include the Invoice Number, which is the NLRB FOIA Case No., and the amount you intend to pay. Further, please be advised that all FOIA payments must be paid in full before any future FOIA requests are processed.

You may contact Teresita Sanabria, the FOIA Specialist, who processed your request, at (202) 273-4000 or by email at teresita.sanabria@nrlb.gov, as well as the Agency’s FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt
Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nrlb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Synta E. Keeling
FOIA Officer

Attachments: (one page and one spreadsheet)